

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*  
State Engineer

Plaintiff,

v.

ROMAN ARAGON, *et al.*,

Defendants.

69cv07941-MV/LFG

RIO CHAMA STREAM SYSTEM  
Section 3, Canjilon Creek

Subfile No.: CHCJ-004-0005  
CHCJ-004-0033  
CHCJ-004-0056  
CHCJ-004-0057  
CHCJ-004-0058  
CHCJ-005-0002  
CHCJ-005-0003

**MOTION TO AMEND CONSENT ORDERS AND DEFAULT JUDGMENT ORDER  
DESCRIBING THE WATER RIGHTS ASSOCIATED WITH THE GARCIA DITCH NO. 1**

The plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) moves the Court to amend six *Consent Orders* and one *Order Granting Default Judgment* associated with the Garcia Ditch No. 1. As grounds therefore plaintiff states:

1. The *Consent Orders* entered by the Court for subfiles CHCJ-004-0005 (Doc. No. 6563 entered on February 26, 2002), CHCJ-004-0033 (Doc. No. 6845 entered on September 4, 2002), CHCJ-004-0056 (Doc. No. 7499 entered on June 30, 2004), CHCJ-004-0057 (Doc. No. 6416 entered on December 4, 2001), CHCJ-004-0058 (Doc. No. 6415 entered on December 4, 2001), CHCJ-005-0003 (Doc No. 6562 entered on February 26, 2002) and the *Order Granting Default Judgment* for subfile CHCJ-005-0002 (Doc. No. 6835 entered on August 29, 2002) describe the location of the X and Y coordinates for the Garcia Ditch No. 1 as follows:

**Point of Diversion:**

**Ditch Name:** GARCIA DITCH NO. 1

**Location X:** 1,609,566 feet      **Y:** 2,008,899 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

2. Upon further inspection and review by the State, the above X and Y coordinates for the Garcia Ditch No. 1 as stated in the entered *Consent Orders* and *Order Granting Default Judgment* are incorrect. Subfiles CHCJ-004-0005, CHCJ-004-0033, CHCJ-004-0056, CHCJ-004-0057, CHCJ-004-0058, CHCJ-005-0002 and CHCJ-005-0003 are the only subfiles associated with the Garcia Ditch No. 1 that are affected by this motion.

3. The correct X and Y coordinates for the Garcia Ditch No. 1 are as follows:

**Point of Diversion:**

**Ditch Name:** GARCIA DITCH NO. 1

**Location X:** 1,582,319 feet      **Y:** 1,989,955 feet

New Mexico State Plane Coordinate System, Central Zone, 1983 N.A.D.

WHEREFORE, the State requests the Court amend the *Consent Orders* and *Order Granting Default Judgment* entered for subfiles CHCJ-004-0005 (Doc. No. 6563), CHCJ-004-0033 (Doc. No. 6845), CHCJ-004-0056 (Doc. No. 7499), CHCJ-004-0057 (Doc. No. 6416), CHCJ-004-0058 (Doc. No. 6415), CHCJ-005-0002 (Doc. No. 6835) and CHCJ-005-0003 (Doc. No. 6562) describing irrigation under the Garcia Ditch No. 1 as described in paragraph 3 above.

Pursuant to the Court's February 4, 2013 *Order* (Doc. No. 10891), the State requests the Clerk of the Court to mail copies of the approved Order requested in this Motion to the parties listed below at the address listed.

Respectfully submitted,

/s/ Ed Newville  
EDWARD G. NEWVILLE  
Special Assistant Attorney General  
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the \_\_\_\_\_ day of April, 2014, I filed the foregoing electronically through the CM/ECF system which caused the parties on the electronic service list, as more fully set forth in the Notice of Electronic Filing, to be served by electronic mail, and served the following non-CM-ECF participants in the manner indicated:

via first class mail, postage prepaid addressed as follows:

CHCJ-004-0005

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CHCJ-004-0033

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CHCJ-005-0003

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/s/ Ed Newville

EDWARD G. NEWVILLE